#### CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: May 13, 2004

Signature of Person Certifying: Printed Name: Carolyn Tobias

MAN 1 7 2004

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Edward J. Seppi, et al.

Serial No.: 10/687,573

Filed: October 15, 2003

For: MULTI-ENERGY X-RAY SOURCE

Group Art Unit: Not Yet Assigned

**Examiner: Not Yet assigned** 

### INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form(s) PTO/SB/08a and PTO/SB/08b. Copies of the items listed are enclosed herewith.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicants is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicants as such.

## INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

This II	S is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is
(1) within three	e months of the filing date of the application, which is not a continued prosecution
application file	d under § 1.53(d) or (2) within three months of entry of the national stage as set forth in
37 CFR § 1.49	1; or (3) before the mailing of a first Office action on the merits; or (4) before the
mailing of a fir	st Office action after filing a request for continued examination under § 1.114. Thus, no
fee is required.	
	However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.
	However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
<del></del>	OS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 1.
	The fee due under 37 CFR § 1.17(p) is submitted herewith.
	A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
§ 1.113 or a No	OS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR otice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A or 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted
<del></del>	OS is being submitted under 37 CFR § 1.97(i), that is after a Final Action under 37 CFR otice of Allowance under 37 CFR § 1.311, but before payment of the issue fee.

	STATEMENT UNDER 37 CFR § 1.97(e):					
	Each item contained in this IDS was first cited in a communication from a foreign patent office					
in a co	unterpart foreign application not more than three months prior to the filing of this IDS.					
	No item contained in this IDS was cited in a communication from a foreign patent office in a					
counter	part foreign application, and, to the knowledge of the person signing this statement after					
making	reasonable inquiry, no item of information contained in this IDS was known to any individual					
designa	ated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.					
	PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:					
	A check in the amount of is enclosed for the above fee(s).					
$\boxtimes$	The Commissioner is authorized to charge the fee due under 37 CFR § 1.17(p) to the Bingham					
McCut	chen's Deposit Account No. 50-2518, referencing billing number VM7036492002. The					
Commi	ssioner is authorized to credit any overpayment or to charge any underpayment to Bingham					
McCut	chen's Deposit Account No. 50-2518, referencing billing number VM7036492002.					
	Respectfully submitted,					
Datad	May 13, 2004 By:					
Dated:	May <u>13</u> , 2004 By: Gerald Chan					
	Reg. No. 51,541					

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 Telephone: (650) 849-4400

Telefax: (650) 849-4800

Substitute for form 1449A/PTO

Approved for use through 10/31/2002. OMB 0651-0031°

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

of 1 Sheet

Complete if Known					
Application Number	10/687,573				
Filing Date	October 15, 2003				
First Named Inventor	Edward J. Seppi, et al.				
Group Art Unit	Not Yet Assigned				
Examiner Name	Not Yet Assigned				
Attorney Docket Number	2018721-7036492002				

			U.S. PATENT DOCUM	MENTS	
Examiner Initials *	Cite No.1	Number Kind Code <sup>2</sup> (if known)		Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relev Passages or Relevant Figures Appear
	AA	5,446,548	Gerig et al.	08/29/95	·
	AB	6,333,991	Schreiber et al.	12/25/01	
	AC	6,473,634	Barni	10/29/02	
	AD	6,487,274	Bertsche	11/26/02	
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	FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	Foreign Patent Document			Name of Patentee	Date of Publication of	Pages, Columns, Lines, Where Relevant	
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> ( <i>if known</i> )	or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear	T <sub>6</sub>
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Examiner Signature	Date Considered	

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark

<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark hee if English language Translation is attached.